

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

CHRIS FORDHAM,)	
)	
Plaintiff,)	
)	
v.)	1:08CV17
)	
BARR, TUBBS,)	
)	
Defendant(s).)	

**ORDER AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff, a prisoner of the State of North Carolina, has submitted what appears to be a civil rights action pursuant to 42 U.S.C. § 1983. The form of the complaint is such that serious flaws make it impossible to further process this complaint. The problems are:

1. The complaint is not on forms prescribed for use by this Court, nor is the information requested by such forms and necessary to process the complaint pursuant to 28 U.S.C. § 1915A contained in Plaintiff's submission. See LR 7.1(f). Petitioner previously filed a case under § 1983 which was dismissed primarily for failure to use the proper forms [1:07CV679]. He was sent copies of the necessary forms. According to his current submission, those forms were taken or destroyed in a subsequent altercation with prison authorities. Petitioner now seeks twelve copies of new forms and this dismissal will grant that request. The Court would have treated his current submission as only a request for documents, but Petitioner seeks other relief and appears to be attempting to add claims related to the more recent incident. In refiling, Petitioner should be aware that, unless his prior claims and current claims are related, they cannot properly be combined into a single lawsuit.

2. Filing fee was not received nor was a proper affidavit to proceed in forma pauperis submitted, with sufficient information completed or signed by Plaintiff, to permit review. [Attached forms, instructions.] The Clerk of Court will enclose a current version of the affidavit forms which provides space for all the necessary information.

Consequently, this particular complaint should be dismissed, but without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects of the present complaint. To further aid Plaintiff, the Clerk is instructed to send Plaintiff new § 1983 forms, instructions, an application to proceed in forma pauperis, and a copy of pertinent parts of Fed. R. Civ. P. 8 (i.e. Sections (a) & (e)).

In forma pauperis status is granted for the sole purpose of entering this Order and Recommendation.

IT IS THEREFORE ORDERED that in forma pauperis status is granted for the sole purpose of entering this Order. The Clerk is instructed to send Plaintiff § 1983 forms, instructions, an application to proceed in forma pauperis, and a copy of pertinent parts of Fed. R. Civ. P. 8 (i.e. Sections (a) & (e)).

IT IS RECOMMENDED that this action be filed and dismissed sua sponte without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects cited above.


United States Magistrate Judge

January 10, 2008